

## REMARKS

Claims 1-8 are pending. All claims stand rejected under 35 USC §103(a) as being unpatentable over the Donohue et al. patent (U.S. Pat. No. 5,987,480) and/or the Donoho et al. patent (6,356,884). Claim 9 has been added. Claim 1 has been amended to clarify the invention.

The specification has been objected to as including hyperlinks. Though the Examiner did not disclose the location of the hyperlinks within the disclosure, Applicants assume these are the ones located at page 4, line 11; page 5, line 18; and in Appendix I. Such hyperlinks are not intended to refer to online documents, but are only intended to denote an exemplary format to convey information about the commercial purchase to a database using methods described and claimed within the application. Accordingly, use of such hyperlinks should be proper. The Examiner is encouraged to contact the undersigned by telephone, however, if such use is not proper so that further explanation and direction on how to correct such a deficiency can occur to better conform with PTO practice.

*Claim Rejections - 35 USC §103*

Claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over Donohue et al. (U.S. Patent No. 5,987,480).

Donohue appears to teach the well-known method of creating active server pages at a web server based on requests received from requesting (client) computers. Referring to FIG. 1 and col. 7, lines 7-44 of the Donohue reference, the active server page script 14 stored on web server 10 is used to create a document 26 formed by using a template parsing function 18 to populate a selected template 16. The Donohue reference thus teaches a system intended to provide information (e.g. a customized web page) to a visitor computer and not the other way around (e.g. information about the visiting computer including commercial transaction information to the second server). The Donohue reference does not teach or suggest certain elements of the claims and there is thus no *prima facie* case of obviousness. This is discussed in more detail below.

In Donohue, the web page document 26 that is ultimately sent to visitor computers 2 does not include data mining code. Instead, the document 26 is created responsive to name/value pairs (e.g. cookies) pre-existing on the visitor computer making the web page request, or by the user's IP address retrieved from the URL request (see, e.g. Donohue col. 10, lines 31-42).

In contrast, the current invention claims in independent claim 1 the method step of uploading a webpage having commercial data fields and data mining code to the visitor computer. Claim 1 has been amended to clarify what is already implied within the originally filed claim language: that the web page sent to the visitor computer includes "data fields reflecting commerce transaction activity and data mining code." The Donohue patent thus fails to teach among other things the following claimed steps: (a) uploading the web page to the visitor computer where the web page includes commercial data fields and data mining code [*Donohue does not send the script with the web page to the visiting computer*]; (b) operating the data mining code on the visitor computer [*no data mining code is received and thus cannot operate on the visiting computer*]; and (c) receiving the technical and commercial data at a second server [*Donohue does not teach receiving any additional information from visiting computer at a second server much less technical and commercial information*].

Again, the method for creating a web page operates entirely within a web server using information received from a visiting computer. It does not teach sending a script to a visiting computer which then mines appropriate data including technical and commercial data – data which is then send to a different place than the web server. Though Donohue is used in the art of Internet services, it is in fact unrelated art to thrust and operation of the present invention. Applicant thus respectfully requests removal of the §103(a) rejection and allowance of all claims.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Donohue et al. in view of Donoho et al. (U.S. Patent No. 6,356,884). For the same reasons as expressed above, applicants assert that the claimed invention steps are not disclosed by the two references separately or in combination. No variables within the visiting computer are associated with data mining code (none exist in Donohue) and thus no variable information can be received at the second server concerning the commercial information (claim 3). Accordingly, as no variables exist, such cannot be compiled into a report using the methods taught in Donoho which disclose only generic advisories applicable to subsets of computers.

**CONCLUSION**

For the foregoing reasons, reconsideration and allowance of claims 1-9 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Scott A. Schaffer  
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
503-222-3613  
Customer No. 20575